IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CENTRAL EXCISE APPEAL NO.10 OF 2004

o The Commissioner of Central Excise
Mumbai-IV. ...Appellant
V/s
M/s.Greaves Cotton & Co.Ltd. ...Respondent

Mr.P.S. Jetly with Mr.Y.R. Mishra for Applicant.
Mr.Madhur Baya for Respondent.

CORAM : S. RADHAKRISHNAN AND
A.S. AGUIAR, JJ.

DATED : JUNE 15, 2005.

P.C. :-

1. Heard learned Counsel for the appellant.

2. By the above appeal, the appellant is seeking to raise the following substantial question of law :-

"Whether on the facts and in the circumstances of the case, the Tribunal was right in law in confirming the order of the Commissioner (Appeals) who set-aside the Order dtd.21.7.95 passed by the Assistant Commissioner Central Excise Division K-I and allowing the clearance

of the intermediate products without reversing the modvat credit under NotificationNo.217/86."

3. Both the learned Counsel for the appellant and respondent categorically state that the above question of law has already been decided by the Supreme Court in **ESCORTS LTD. V/S. COMMISSIONER OF CENTRAL EXCISE, DELHI, reported in 2004 (171) E.L.T. 145 (S.C.)**

4. We have also persued the said judgement. In the light of the same, the question is answered in the affirmative in favour of the Assessee and against the Revenue.

(S. RADHAKRISHNAN, J.)

(A.S. AGUIAR, J.)